

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

LARRY D. THOMAS,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No.: 02:05-CV-437-MHT-CSC
)	
R. JAMES NICHOLSON,)	
SECRETARY, DEPARTMENT OF)	
VETERANS AFFAIRS,)	
)	
Defendant.)	

**MOTION TO FILE RESPONSE TO MOTION FOR LEAVE TO FILE AN
AMENDED SUPPLEMENTAL COMPLAINT OUT OF TIME**

Comes now the Defendant, R. James Nicholson, by and through Leura G. Canary, United States Attorney for the Middle District of Alabama, and respectfully requests that the its response to the above-styled motion be accepted two days out of time and in support states as follows:

1. The defendant was ordered to file its' response to the plaintiff's Motion for Leave to File Amended Complaint on or before August 1, 2006. The undersigned fully prepared the defendant's response on August 1, 2006, and then turned his attentions to other matters related to this case. At the close of business on August 2, 2006, the undersigned was reviewing his calendar for the remainder of the week, as well as next week, and became concerned that he may have not electronically filed the response in question. A review of Pacer indicated that the response had not been filed.

2. The undersigned apologizes to the Court and the plaintiff for any concern occasioned by his oversight and respectfully requests that the defendant's response to the plaintiff's Motion for Leave to File an Amended Complaint two days out of time be granted.

Respectfully submitted this 3rd day of August, 2006.

LEURA G. CANARY
United States Attorney

By: s/R. Randolph Neeley
Assistant United States Attorney
Bar Number: #9083-E56R
Attorney for Defendant
United States Attorney's Office
Post Office Box 197
Montgomery, AL 36101-0197
Telephone: (334) 223-7280
Facsimile: (334) 223-7418
E-mail: rand.neeley@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that I placed a copy of the foregoing in the United States Mail, first class postage affixed addressed to Larry D. Thomas, *pro se*, 3327 Lunceford St., Montgomery, AL 36108.

Done this 3rd day of August, 2006.

s/R. Randolph Neeley
Assistant United States Attorney